

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3117/P1dn  
JEO:cmh:kjf

November 11, 1999

This is a preliminary draft for your review. Please note the following when reviewing the draft:

1. The draft creates a new statute dealing with possession and disposal of waste from the illegal manufacture of methamphetamine. The definitions of "dispose of" and of "methamphetamine manufacturing waste" are based on definitions found in current statutes dealing with hazardous and solid wastes. Please review the definitions carefully to make sure that they cover what you intend to cover.

2. The draft prohibits the *intentional* disposal of methamphetamine waste. This means that the person will have to have the purpose to dispose of the waste or will have to be aware that his or her conduct is practically certain to cause disposal of the waste. In addition, the person will have to know that it is waste from the illegal manufacture of methamphetamine. Likewise, the draft prohibits possession of methamphetamine waste by persons who know that it is waste from the illegal manufacture of methamphetamine. I structured the prohibitions in this way as one way of avoiding the possible prosecution of, for instance, a person who owns land on which a meth lab is set up without the person's knowledge or consent. Do these provisions effect your intent?

3. The draft exempts from its prohibitions a person acting in accordance with current laws governing the storage, treatment and disposal of hazardous and solid waste. Okay? Also, if waste from a meth lab is also hazardous or solid waste or a hazardous substance under the current statutes dealing with storage, treatment and disposal of hazardous and solid waste, a person who improperly disposes of the waste from the meth lab could be prosecuted for violating those statutes as well as for violating proposed s. 961.437 (2). Is that your intent?

4. The penalties under proposed s. 961.437 (4) are the same as the penalties under s. 291.97 (2) (b) and (c) 2., stats., as affected by the "truth in sentencing" act from last session. Note that the criminal penalties study committee recommendations, as contained in 1999 Assembly Bill 465, would eliminate the minimum fines provided in s. 291.97 (2) (b) and (c) 2., stats. Do you want to eliminate the minimum fines in this draft?

5. The penalties under proposed ss. 961.573 (3) and 961.574 (3) are those for current lower range felony offenses. They can be modified if you'd like to provide for different penalties.

Please let me know if you have any questions or changes.

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